

**MINUTES OF THE MEETING**  
**HEALTH SERVICES COUNCIL**

**DATE: 27 September 2005**

**TIME: 3:00 PM**

**LOCATION: Health Policy Forum**

**ATTENDANCE:**

**Council: Present: Victoria Almeida, Esq., (Vice Chair), Edward F. Almon, Robert L. Bernstein, Joseph V. Centofanti, MD, Raymond Coia, Esq., John W. Flynn, Sen. Catherine E. Graziano, RN, Ph.D., Robert S.L. Kinder, MD, Richard Lepine, Denise Panichas, Robert J. Quigley DC, (Chair), Robert Ricci, Larry Ross, Reverend David Shire**

**Not Present: Rosemary Booth Gallogly, Wallace Gernt, Maria R. Gil, John Keimig, Robert Whiteside, John Young**

**Staff: Valentina D. Adamova, Michael K. Dexter, Joseph G. Miller, Esq.**

**Public: (see attached)**

## **1. Call to Order, Approval of Minutes, Time Extension for the Minutes Availability, and Conflict of Interest Forms.**

**The meeting was called to order at 3:00 PM. The Chairman noted that conflict of interest forms are available to any member who may have a conflict. The minutes of the 30 August 2005 meeting of the Health Services Council were approved as submitted. The Chairman requested a motion for the extension of time for the availability of minutes pursuant to the Open Meetings Act. A motion was made, seconded and passed by fourteen in favor and none opposed (14-0) that the availability of the minutes for this meeting be extended beyond the time frame provided for under the Open Meetings Act. Those members voting in favor were: Almeida, Almon, Bernstein, Centofanti, Coia, Flynn, Graziano, Kinder, Lepine, Panichas, Quigley, Ricci, Ross, Shire.**

## **2. General Order of Business**

**The first item on the agenda was Request for an Expeditious Review by Rhode Island Hospital to replace its PET scanner with a PET/CT scanner. Staff noted that a request for an expeditious review needs to demonstrate a public health urgency. Staff noted that a two-thirds approval vote would be required for an expeditious review project.**

**Dr. Amaral, President of Rhode Island Hospital (“RIH”), made a presentation to the Council. He discussed expeditious review and the advantages of a PET/CT over a PET scan. Dr. Amaral described in detail what a PET/CT scanner was, its functions, uses, clinical applications, and its need in the state of Rhode Island. He cited an article from New England Journal of Medicine which documented that 20 out of 49 patients, or 41%, were misdiagnosed by a PET scan for non-small cell lung cancer as compared to those who underwent a PET/CT scan. He noted that RIH previously filed for a ‘one-for-one’ exemption to upgrade its PET scanner to a PET/CT scanner and its request was denied by the Rhode Island Department of Health.**

**There were a number of inquiries and comments by the members of the Health Services Council regarding the timing and reasons for the expedited review request by RIH including why this qualifies as a public health urgency.**

**There were a number of inquiries from Council Members concerning RIH’s request for a ‘one-for-one’ exemption for PET/CT scanner.**

**Dr. Amaral noted that RIH did not file during the regular CON cycle because it was under the impression it would receive the ‘one-for-one’ exemption. He stated that any other matters pending before the Council should have no affect on RIH’s expedited review application because it already has a PET scanner and is looking to upgrade it to a PET/CT scanner. Dr. Amaral noted his concerns about**

having to go through a protracted review process.

To a question concerning filing for reconsideration of the decision denying the 'one-for-one' exemption, Dr. Amaral stated that RIH was not aware of that option and that's why it filed for the expeditious review. Staff noted that the time frame for filing for reconsideration has elapsed. Mr. Miller explained the concept of administrative finality.

The next item on the agenda was Request for an Expeditious Review by Rhode Island PET Services, LLC to replace its PET scanner with a PET/CT scanner.

Mr. Zubiago, legal counsel to the applicant, made a presentation to the Council in support the Rhode Island PET Services, LLC's ("RIPET") request for expeditious review.

Ms. Rocha, legal counsel to The Imaging Institute, Inc. and Ms. DeBlasio, legal counsel to X-Ray Associates, Inc. addressed the Council and requested that both the requests of RIH and RIPET for expeditious review be denied.

The Chairman recommended to postpone voting on these requests until the next Health Services Council meeting. A motion was made, seconded and passed by a vote of eight in favor, five opposed and one abstention (8-5-1) to recommend that the voting on the requests

**for expeditious review be postponed until the next Health Services Council meeting. Those members voting in favor of the motion were: Almon, Bernstein, Graziano, Kinder, Lepine, Quigley, Ricci, Shire. Those members voting in opposition of the motion were: Centofanti, Coia, Flynn, Panichas, Ross. Almeida abstained.**

**The next item on the agenda was the Addendum to the Report of the Health Services Council on the Application of Rhode Island PET Services, LLC to Provide PET Scanning Services in Rhode Island. Staff summarized the committee discussions and deliberations on this matter.**

**A motion was made, seconded and passed by a vote of thirteen in favor, none opposed and one recusal (13-0-1) to recommend that the Addendum to the Report be approved. Those members voting in favor of the motion were: Almon, Bernstein, Centofanti, Coia, Flynn, Graziano, Kinder, Lepine, Panichas, Quigley, Ross, Ricci, Shire. Almeida abstained.**

### **3. Adjournment**

**There being no further business the meeting was adjourned at 4:40 PM.**

**Respectfully submitted,**

**Valentina D. Adamova**